

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

BYRON DION WHEELER                               §  
VS.   §      CIVIL ACTION NO. 1:05cv563  
DIRECTOR, TDCJ-CID                             §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Byron Dion Wheeler, an inmate confined in the Cleveland Correctional Center, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

## Discussion

Petitioner states that in 2004, he was convicted of unlawful possession of a firearm by a felon in the 241st District Court of Smith County, Texas. He was sentenced to 5 years imprisonment.

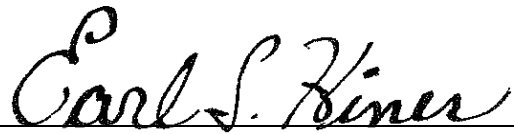
Petitioner filed this petition for writ of habeas corpus in the district in which he was convicted. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated.

Petitioner was convicted in Smith County, Texas.

Pursuant to 28 U.S.C. § 124, Smith County is in the Eastern District of Texas. However, Smith County is located in the Tyler Division, rather than the Beaumont Division of this court. As all records and witnesses involving this petition may be located in the Tyler Division of this court, the transfer of this petition to such division would further justice.

Accordingly, this case should be transferred to the Tyler Division of this court. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

**SIGNED** this 11 day of August, 2005.

A handwritten signature in black ink, reading "Earl S. Hines", written over a horizontal line.

EARL S. HINES  
UNITED STATES MAGISTRATE JUDGE